IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 2448 of 2024

1. Jayamma Mallilkarjuna Swamy, age about 83 years M/o Tejasvini P Kumar, R/o 388, 2nd Cross, 16th Main 3rd Block, Kormangala, Bangalore, P.O. & P.S.-Kormangla, District Kormangala-560034, State-Karnataka ***(deleted vide order dated 30.09.2026 on account of her death)***

2. Tejasvini P Kumar, aged about 61 years W/o Dr Pradeep Kumar, R/o 388, 2nd Cross, 16th Main, 3rd Block, Kormangala, Bangalore, P.O. & P.S.-Kormangla, District-Kormangla, 560034, State-Karnataka

… … Petitioners

Versus

1. Central Bureau of Investigation
2. Union of India through Directorate of Enforcement, Airport, Ranchi, P.O. & P.S.-Doranda, District-Ranchi Jharkhand

… … Opposite Parties

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Anshuman Sinha, Advocate
: Mr. Vinay Prakash, Advocate
: Mr. Niranjan Kumar, Advocate

For the Opp. Party : Mr. A.K. Das, Sr. Advocate
: Mr. S.Goswami, Advocate
: Vineet Sinha, Advocate

12/**30.09.2026** Heard the learned counsels appearing on behalf of the parties.

2. This petition was filed by two petitioners *(mother and daughter- the petitioner no.1 was the mother who died during the pendency of this case)* challenging the order dated 19.07.2023 passed by learned Special Judge, CBI & ED Ranchi in Misc. Criminal Application No. 117 of 2019 filed under Section 457 of Cr. P.C. in connection with RC 11(A)/2009-AHD-R offence under Sections 120B, 420, 467, 468 & 471 of the I.P.C. and under Section 13(2) r/w 13(1) (e) & 13(1) (d) of the P.C. Act, 1988 dated 29.08.2009, whereby the learned Special Judge has dismissed the application seeking release of property under Section 457 of Cr.P.C and dismissed the Criminal Application No. 117 of 2019, primarily on the ground upon the submissions made by the ED that the documents mentioned in Sl.

No. 1, 2, 6, 7, 8 and 11 of Annexure-1 are prima facie useful and might be required in identifying proceeds of crime, the case is now pending before the Court of learned Special Judge, CBI & ED Ranchi.

3. Learned counsel for the petitioner submits that an application under Section 457 of Cr.P.C. was filed *inter alia* for the petitioner no. 1 and 2 and also for the son of petitioner no. 2 seeking release of documents ceased by CBI mentioned at Sl. No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 21 & 22 of the seizure list prepared during search and seizure proceedings done on 31.08.2009 in connection with F.I.R. No. RC-11/(A)/2009. Learned counsel submits that the petitioners of this case are not accused in the said case, nor are accused in the other connected case which is R.C. Case No. 01A of 2011-R relating to disproportionate asset of the Government Servant, namely, Dr. Pradeep Kumar, who happens to be the husband of the petitioner no.2. He also submits that since the documents were sized in connection with F.I.R. No. RC-11/(A)/2009, the petition has been filed in RC-11/(A)/2009 for release of seized documents (FDRs).

4. The learned counsel for the petitioner has furnished the following chart during the course of hearing to submit that the petitioner is seeking release of following FDRs: -

SN	Details of FDRs	Date renewal on FDR	Amount of FD	Name of person
1	Syndicate Bank; A/c/SOR No. 04564050006802/2	21.04.2005	Rs. 1,50,000	Jayamma Mallikarjuna Swamy
2	Syndicate Bank; A/c/SOR No. 04564050000037/2	19.01.2006	Rs. 2,50,000	Jayamma Mallikarjuna Swamy
3	Syndicate Bank; A/c/SOR No. 04564050000037/5	15.02.2007	Rs. 2,00,000	Jayamma Mallikarjuna Swamy
4	Syndicate Bank; account number not stated	19.01.2005	Rs. 3,00,000	Jayamma Mallikarjuna Swamy
5	Syndicate Bank; A/c/SOR No. 045640700007766/1	22.10.1997	Rs. 1,00,000	Jayamma Mallikarjuna Swamy
6	State Bank of India; A/c No. 30486080150	22.04.2009	Rs. 2,50,000	Tejasvini P. Kumar
7	State Bank of India; A/c No. 30486080150	09.10.2008	Rs. 84,599	Tejasvini P. Kumar
8	State Bank of India; A/c No. 30009787482	14.07.2005	Rs. 30,000	Tejasvini P. Kumar



SN	Details of FDRs	Date renewal on FDR	Amount of FD	Name of person
9	State Bank of India; A/c No. 30110366842	01.06.2007	Rs. 3,00,000	Tejasvini P. Kumar
10	State Bank of India; A/c No. 30184027745	06.04.2007	Rs. 1,65,131	Tejasvini P. Kumar
11	State Bank of India; A/c No. 30184027586	09.04.2007	Rs. 2,72,329	Tejasvini P. Kumar
12	Syndicate Bank; A/c/SOR No. 04564170000843/3	01.12.2006	Rs. 2,00,000	Tejasvini P. Kumar
13	Syndicate Bank; A/c/SOR No. 04564170000843	10.10.2005	Rs. 1,22,265	Tejasvini P. Kumar
14	Union Bank of India; EM/TBA-0504844	02/0/2007 (incomplete in petition)	Rs. 46,635	Tejasvini P. Kumar
15	Union Bank of India; A/c No. 3824722	13.08.2000	Rs. 26,444	Tejasvini P. Kumar
16	HDFC Bank; A/c No. 00754470138925	20.06.2009	Rs. 36,127	Tejasvini P. Kumar
17	HDFC Bank; A/c No. 0534470029462	29.12.2003	Rs. 51,133	Tejasvini P. Kumar
18	UBI; A/c No. 448303030251352	Not stated	Not stated	Tejasvini P. Kumar
19	SBI Term Deposit; A/c No. 30417139732	18.04.2012	Rs. 4,39,065	Tejasvini P. Kumar
20	SBI Term Deposit; A/c No. 30417141323	18.04.2012	Rs. 47,284	Tejasvini P. Kumar

5. Learned counsel has referred to Page No. 253 of the petition which is Annexure-6 and submits that a report was called for by the learned court from all the connected agencies i.e. E.D., C.B.I. and A.C.B. Branch, as to whether they have any objection so far as release of aforesaid documents are concerned. He further submits that the C.B.I. had no objection for release of these documents as his apparent from the impugned order itself, but an objection was raised by E.D. stating that the matter was still under investigation.

6. Learned counsel further submits that in the present proceedings E.D. has filed an affidavit stating that they have no objection if these documents are released in favour of the petitioners.

7. Learned counsel has further submitted that the documents which the petitioners were seeking for release are prior to the check period which is from 27-11-2000 to 31.08.2009**,** inasmuch as, these investments by way of fixed deposit etc. was made prior to the check

period and during the check period, there was only renewal of such investments. Learned counsel submits that since the primary investment was prior to the check period, there is no impediment in release of these documents.

8. He has also submitted that so far as RC-11/(A)/2009 is concerned, aforesaid aspect of the matter has not been properly considered by the learned Court, inasmuch as, at that point of time E.D. had certain objections and before this Court, E.D. has filed specific affidavit stating that they have no objection to the release of these documents.

9. Learned counsel has submitted that since the documents with respect to which prayer has been made for release are not before this Court, the matter may be remitted to the Court concerned, so that the Court may also verify with respect to the fact as to whether the initial investment by the petitioners with respect to the documents sought to be released were prior to the check period or not and if the initial investment is found prior to the check period, there can be no impediment in release of the documents which are FDRs etc. and have only been renewed during the check period. The documents relate to the wife (petitioner no.2) and mother-in-law (petitioner no.1- now deceased) of the accused and the accused was a government servant.

10. Learned counsel has further submitted that the petitioner no. 1 has expired during the pendency of the case and her daughter i.e. petitioner no. 2 is a nominee in those documents which are in the name of deceased petitioner no.1.

11. ***Learned counsel for the E.D.*** has submitted that they have no objection if these documents are released in favour of the petitioner.

12. ***So far as, C.B.I. is concerned,*** they have referred to the rejoinder filed by the petitioner and have submitted that the documents which are sought to be release are amongst the list of documents relied upon by C.B.I. at Sl. No. 186 of R.C. 01 (A) /11 which reads as follows: -

> "*All the records ceased during seizure dated 31.08.2009 at the residents of Dr. Pradeep Kumar situated at E-2(Khaprail), Mayer's*

Road, Ranchi-8.”

13. Learned counsel for C.B.I. has submitted that the application for release has been filed in RC Case No. 11/(A)2009 and not in the RC Case No. 01A/2011.

14. ***To this the learned counsel for the petitioner has submitted*** that since the seizure was done in connection with F.I.R. No. RC-11/(A)/2009, therefore, the application for release was also filed in the said case. Learned counsel has submitted that altogether there are three FIRs against the prime accused, namely, Dr. Pradeep Kumar and they are RC 11(A)/2009-AHD-R and RC 14(A)/2009 and RC 01(A)/2011.

15. ***After hearing the learned counsels for the parties*** this Court finds that since the documents are seized in connection with search and seizure which ultimately culminated in F.I.R. No. RC 11(A)/2009, the application seeking release of such documents which are primarily FDRs standing in the name of the petitioner no.1 (since deceased) and petitioner no.2 was filed in the said case. Another applicant for release of the document was Abhijeet Chandra, son of the prime accused, however, in this case he has not approach this Court for release of one or the other seized document.

16. It appears from the impugned order that at the relevant point of time, the C.B.I. had no objection for release of the documents as prayed but ED was yet to examine the requirement of those documents. However, ED has filed an affidavit before this Court that they have no objection, if the documents are released. Learned counsel for the ED is present before this Court, and he has reiterated that ED has no objection if the documents are released.

17. This Court finds that as per the specific case of the petitioner as argued before this Court, the documents which the petitioner no.2 is seeking release are related to investments which are made prior to the check period i.e. 27.11.2000 to 31.08.2009 and it is their submission that the FDRs were only renewed during the check period. However, the documents for which release is sought are not before this Court to verify aforesaid aspect of the matter.

18. This Court further finds that there is one more case against the petitioner that is RC 14(A)/2009 which is related to P.C. Act. However, the charge-sheet of the said case is not before this Court. During the course of arguments, it has been submitted that the documents which the petitioner is seeking release are not relied upon in RC 14(A)/2009. However, this aspect of the matter requires verification by the court concerned.

19. This Court is of the considered view that if the FDRs which are sought to be released by the two petitioners, who are not even an accused in the other two case and if the investments through the documents sought to be released were made prior to the check period and only renewed during the check period, there can be no reason to deny release of such documents in favour of the petitioner. However, the fact that whether the investment was prior to the check period or not and whether the documents are relied upon in RC 14(A)/2009 is still required to be verified by the learned Court.

20. In order to enable the learned court to pass fresh order in accordance with law, the impugned order is hereby set aside directing the learned Court to consider the documents which are sought to be released and if it is found that the initial investment in the FDRs etc sought to be released were prior to the check period and FDRs etc were only renewed during the check period, the learned Court shall release the FDRs etc in favour of the petitioner subject to the consideration as to whether these documents are relied upon by the prosecution in the other connected cases i.e. Case No. RC 14(A)/2009 AHD and in RC 11(A)/2009. The needful be done by the Court within a period of two months from the date of communication of this order to the learned concerned Court or its successor Court.

21. It has been pointed out that the petitioner no. 1 has expired and it is submitted that the petitioner no. 2 is a nominee in connection with all the FDRs of her deceased mother (petitioner no.1).

22. ***Learned counsel for the petitioner is directed to delete the name of the petitioner no. 1 from the cause title in red ink during the course of the day.***

23. In aforesaid circumstances, before releasing the FDRs of the original petitioner no.1 (now deceased) also in favour of the petitioner no. 2 with respect to the FDRs standing in the name of petitioner no. 1, the Court shall verify if the petitioner no.2 is the nominee in such FDRs. If that be so, then only the FDRs standing in the name of the deceased petitioner no.1 be also released in favour of the petitioner no.2 if they are ultimately found by the learned court to be eligible for release upon due verification in the light of the aforesaid observations.

24. In case the learned court passes an order for release of the one or the other FDRs, a certified copy of the same be retained by the learned court before releasing the FDRs.

25. Accordingly, this application is disposed of.

26. Let a copy of this order be communicated to the learned court concerned through "FAX/email".

(Anubha Rawat Choudhary, J.)

Date of Order:30.09.2026
Nandini
Date of Uploading: